

² Pursuant to *Younger v. Harris*, 457 U.S. 423, 431 (1982), the Court cannot “enjoin a state criminal prosecution begun prior to the institution of the federal suit.” The Defendants notified the Court in their response that the *Younger* abstention doctrine no longer applies because the Plaintiff has since been convicted in his state criminal case. Doc. 14 at 3. Accordingly, *Heck* applies.

Defendants' response, and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Recommendation (Doc. 10) is **ADOPTED** and made the order of this Court. Accordingly, the Plaintiff's complaint (Doc. 8) is **DISMISSED without prejudice**.

SO ORDERED, this 24th day of July, 2019.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT